

Appl. No. 10/945,403
Atty. Docket No. 8819C2
Amdt. Dated
Reply to Office Action of 04/19/2005
Customer No. 27752
APPENDIX I - Appeal Brief for 10/025,059, incorporated by reference into Reply to OA in US Ser.
No. 10/945,403.

APPENDIX I

P&G Case 8819

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application :
Christon et al. : Confirmation No. 6014
Serial No.: 10/025,059 : Group Art Unit 3761
Filed: December 19, 2001 : Examiner Kidwell
For Absorbent Article

APPELLANTS' BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Dear Sir,

This is responsive to the Advisory Action mailed on 2/23/2004 in the above-captioned application, setting a two (2) month period from the date of the Notice of Appeal filed on February 6, 2004, for filing an Appellants' Brief. This Appellant's Brief is being filed in triplicate.

REAL PARTY IN INTEREST

This Application has been assigned to The Procter & Gamble Company of Cincinnati, Ohio. The Inventors, Patricia Lee Christon, Bryan Keith Feller, Ronda Lynn Glassmeyer, and Rosa Alejandra Hernandez, assigned their respective interests to the Procter & Gamble Company in an assignment corresponding to application Serial No. 10/025,059, filed December 19, 2001 (recorded on February 12, 2002, at reel number 012647, and frame number 0335).

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the Appellants, or known to Appellants' legal representative, that will directly affect the Board's decision in the present appeal.

STATUS OF CLAIMS

The present application was originally filed under 35 USC 111(a) with claims 1-18. Claims 1 and 5 were amended, Claim 18 was cancelled, and Claim 19 was added by an amendment on October 8, 2003. A reply (no claim amendment) was mailed on February 6, 2004 has not been

Continuation sheet page 2 of 2: Applicant Initiated Interview Request Form
Application No. 10/945,403
Examiner: Kidwell, Michele M
First Named Applicant: Christon
Art Unit: 3761

Interview issue No. 2: The Examiner cites Figure 11B as showing the "colored portion having a first shade 22 and a second shade 20."

Question 1: If in Figure 11B element 22 is the first shade, and element 20 is the second shade, what in Figure 11B is considered to be the colored portion? (I.e., where specifically is the identical disclosure of a colored portion shown in Figure 11B?)

Answer: _____

Question 2: What in Figure 11B is considered to be the non-colored portion? (I.e., where specifically is the identical disclosure of a non-colored portion shown in Figure 11B?)

Answer: _____

Interview issue No. 3: The Examiner cites Figure 11B as showing the "the first shade being positioned substantially centrally within the second shade."

Question 3: How does Figure 11B show the first shade being positioned "substantially centrally" within the second shade?

Answer: _____

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By _____
Signature

Roddy M. Bullock
Typed or Printed Name
Registration No. 37,290
(513) 634-0870


Date:
Customer No. 27752

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002 Patent fees are subject to annual revision.	Complete If Known	
	<i>Application Number</i>	To Be Assigned
	<i>Confirmation Number</i>	To Be Assigned
	<i>Filing Date</i>	December 19, 2001
	<i>First Named Inventor</i>	Patricia Lee Christon, et al.
	<i>Examiner Name</i>	To Be Assigned
	<i>Group/Art Unit</i>	To Be Assigned
TOTAL AMOUNT OF PAYMENT (\$)	740.00	<i>Attorney Docket No.</i> 8819

2402
250.

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																													
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 16-2480</p> <p>Deposit Account Name The Procter & Gamble Company</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17</p>		<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Code</th> <th style="width: 10%;">(S)</th> <th style="width: 60%;">Fee Description</th> <th style="width: 20%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>Surcharge-late filing fee or oath</td><td>0</td></tr> <tr><td>127</td><td>50</td><td>Surcharge-late provisional filing fee or cover sheet</td><td>0</td></tr> <tr><td>139</td><td>130</td><td>Non-English specification</td><td>0</td></tr> <tr><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td>0</td></tr> <tr><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner's action</td><td>0</td></tr> <tr><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner's action</td><td>0</td></tr> <tr><td>115</td><td>110</td><td>Extension for reply within 1st month</td><td>0</td></tr> <tr><td>116</td><td>400</td><td>Extension for reply within 2nd month</td><td>0</td></tr> <tr><td>117</td><td>920</td><td>Extension for reply within 3rd month</td><td>0</td></tr> <tr><td>118</td><td>1,440</td><td>Extension for reply within 4th month</td><td>0</td></tr> <tr><td>128</td><td>1,960</td><td>Extension for reply within 5th month</td><td>0</td></tr> <tr><td>119</td><td>320</td><td>Notice of Appeal</td><td>0</td></tr> <tr><td>120</td><td>320</td><td>Filing a brief in support of an appeal</td><td>0</td></tr> <tr><td>121</td><td>280</td><td>Request for oral hearing</td><td>0</td></tr> <tr><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td>0</td></tr> <tr><td>140</td><td>110</td><td>Petition to revive - unavoidable</td><td>0</td></tr> <tr><td>141</td><td>1,280</td><td>Petition to revive - unintentional</td><td>0</td></tr> <tr><td>142</td><td>1,280</td><td>Utility issue fee (or reissue)</td><td>0</td></tr> <tr><td>143</td><td>460</td><td>Design issue fee</td><td>0</td></tr> <tr><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>0</td></tr> <tr><td>123</td><td>50</td><td>Petitions related to provisional applications (37 C.F.R. 1.17(q))</td><td>0</td></tr> <tr><td>126</td><td>180</td><td>Submission of Information Disclosure Statement</td><td>0</td></tr> <tr><td>146</td><td>740</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td>0</td></tr> <tr><td>149</td><td>740</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td>0</td></tr> <tr><td>179</td><td>740</td><td>Request for Continued Examination (RCE)</td><td>0</td></tr> <tr><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td>0</td></tr> <tr><td>091</td><td>1280</td><td>Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)</td><td>0</td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td>0</td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td>0</td></tr> <tr> <td colspan="2" style="text-align: center;">* Reduced by Basic Filing Fee Paid</td> <td style="text-align: center;">SUBTOTAL(3)</td> <td style="text-align: center;">(S) 0</td> </tr> </tbody> </table>		Code	(S)	Fee Description	Fee Paid	105	130	Surcharge-late filing fee or oath	0	127	50	Surcharge-late provisional filing fee or cover sheet	0	139	130	Non-English specification	0	147	2,520	For filing a request for <i>ex parte</i> reexamination	0	112	920*	Requesting publication of SIR prior to Examiner's action	0	113	1,840*	Requesting publication of SIR after Examiner's action	0	115	110	Extension for reply within 1 st month	0	116	400	Extension for reply within 2 nd month	0	117	920	Extension for reply within 3 rd month	0	118	1,440	Extension for reply within 4 th month	0	128	1,960	Extension for reply within 5 th month	0	119	320	Notice of Appeal	0	120	320	Filing a brief in support of an appeal	0	121	280	Request for oral hearing	0	138	1,510	Petition to institute a public use proceeding	0	140	110	Petition to revive - unavoidable	0	141	1,280	Petition to revive - unintentional	0	142	1,280	Utility issue fee (or reissue)	0	143	460	Design issue fee	0	122	130	Petitions to the Commissioner	0	123	50	Petitions related to provisional applications (37 C.F.R. 1.17(q))	0	126	180	Submission of Information Disclosure Statement	0	146	740	Filing a submission after final rejection (37 CFR § 1.129(a))	0	149	740	For each additional invention to be examined (37 CFR § 1.129(b))	0	179	740	Request for Continued Examination (RCE)	0	169	900	Request for expedited examination of a design application	0	091	1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	0	Other fee (specify) _____			0	Other fee (specify) _____			0	* Reduced by Basic Filing Fee Paid		SUBTOTAL(3)	(S) 0
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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Theodore P. Cummings	Registration No.	40,973	Telephone	(513) 634-1966
Signature				Date	12/19/01

WARNING: Information on this form is highly confidential. Credit card information should not be included on this form. Provide credit card information and email address to PTO-BA. **Burden Hours Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** Send to: Assistant Commissioner for Patents, Washington, D.C. 20231.

(Revised for P&G use 12/7/01)